



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Brian M. Nelson
1A Arrowwood Ct.
Absecon, NJ 08201

DEC 06 2000

RE: MUR 4991

Dear Mr. Nelson:

On April 3, 2000, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against you. See attached narrative. Accordingly, the Commission closed its file in this matter on October 25, 2000.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact Donald E. Campbell on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff S. Jordan", is written over a horizontal line.

Jeff S. Jordan
Supervisory Attorney
Central Enforcement Docket

Attachment: Narrative

MUR 4991
ZIMMER 2000 INC.

James F. Klein, Ph.D., believes that three letters mailed within days of one another by two individuals and Zimmer 2000 Inc. ("the Committee") advocating Dick Zimmer's election were too similar, used the same style of stamp, were mailed from the same town, and may have used the same copying machine. Although one of the letters bore an adequate disclaimer with the Committee's name and , the other two letters, supposedly sent by individuals, had no disclaimer on them. Dr. Klein claims that there are sufficient similarities between the letters to believe they came from a single source. Zimmer won New Jersey's 12 congressional district primary election on June 6, 2000, with 62% of the vote to Mike Pappas' 38%.

The Committee responded that there does not appear to be a violation alleged in the complaint. The Committee states that its letter bore the appropriate disclaimer and that the other letters are from individual delegates written to other delegates, and do not fall under the auspices of the Act or regulations. Further, the Committee responds that the use of the common berry series of stamp and "shadow" on the letters do not allege a violation.

This matter is less significant relative to other matters pending before the Commission and this complaint failed to indicate serious intent to violate FECA.